



## OFFICE OF THE CLERK/TREASURER

City of Burlington

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### MINUTES

#### LOCAL CONTROL SUB-COMMITTEE

WEDNESDAY, SEPTEMBER 1, 2010

CONFERENCE ROOM 12, CITY HALL

5:00 P.M.

Present: Commissioners Emma Mulvaney-Stanak and David Berezniak; Chairman, Vince Dober; Assistant City Attorney's Office, Nikki Fuller; Clerk/Treasurer's Office, Lori Olberg and Jessica Frank.

The meeting was called to order by Chairman Dober at 5:00p.m.

1. **AGENDA**

A motion was made by Commissioner Mulvaney-Stanak, seconded by Chairman Dober to approve the agenda. Passed 2-0.

2. **CONSENT AGENDA**

2.01. Communication: Lori Olberg, Licensing, Voting and Records Coordinator, re: Request for Catering Log

2.02. Communication: Renee Warren, Administrative Secretary, Department of Liquor Control, Education, Licensing & Enforcement Division, re: notice of liquor licensee enforcement violation, General Regulation Number 16 and 36(a), Vermont Brewers Association, Inc., August 23, 2010

A motion was made by Commissioner Mulvaney-Stanak, seconded by Chairman Dober to waive the readings, accept the communications and place them on file. Passed 2-0.

At 5:01 Commissioner David Berezniak and Assistant City Attorney, Nikki Fuller arrived at the meeting.

3. **FIRST CLASS RESTAURANT LIQUOR LICENSE RENEWAL (2010-2011):**

Manhattan Pizza

A motion was made by Commissioner Mulvaney-Stanak, seconded by Commissioner Berezniak to approve the renewal. \_\_\_\_\_ Cunha was present on behalf of the establishment. Assistant Fire Marshal Tom Middleton noted that they did need work on their kitchen, include some duct work. The motion was then amended by Commissioner Mulvaney-Stanak, seconded by Commissioner Berezniak to table the renewal until a later meeting. It was noted that the establishment needed to provide a letter of when the work will be completed, which needs to be completed by October 1, 2010. There will also be an agreement drafted in the event that the work does not get done by October 1, 2010. Passed 3-0.

3.01. **OUTSIDE CONSUMPTION PERMIT RENEWAL (2010-2011):**

Manhattan Pizza

A motion was made by Commissioner Mulvaney-Stanak, seconded by Commissioner Berezniak to table the item. Passed 3-0.

4. **OTHER BUSINESS**

None

*Persons with disabilities who require assistance or special arrangements to participate in programs and activities of the Clerk Treasurers Office are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made.*

5. **ADJOURNMENT**

A motion was made by Commissioner Mulvaney-Stanak, seconded by Commissioner Berezniak to adjourn the meeting at 5:15p.m. Passed 3-0.

**CITY COUNCIL LICENSE COMMITTEE**  
**WEDNESDAY, SEPTEMBER 1, 2010**

Present: Commissioners Emma Mulvaney-Stanak and David Berezniak; Chairman, Vince Dober; Assistant City Attorney's Office, Nikki Fuller; Clerk/Treasurer's Office, Lori Olberg and Jessica Frank.

The meeting was called to order by Chairman Dober at 5:15p.m.

1. **AGENDA**

A motion was made by Commissioner Berezniak, seconded by Commissioner Mulvaney-Stanak to approve the agenda. Passed 3-0.

2. **CONSENT AGENDA**

2.01. Communication: William J. Goggins, Director, Education, Licensing & Enforcement Division, State of Vermont, Department of Liquor Control, re: Notice of Hearing, Waggy's Store & Deli, Thursday, September 2, 2010 at 9:30 a.m., Consideration the Suspension or Revocation of Tobacco License  
A motion was made by Commissioner Mulvaney-Stanak, seconded by Commissioner Berezniak to waive the reading, accept the communication and place it on file

3. **INDOOR ENTERTAINMENT PERMIT RENEWAL (2010-2011):**

Manhattan Pizza

A motion was made by Commissioner Berezniak, seconded by Commissioner Mulvaney-Stanak to table the item until September 29, 2010. Chairman Dober noted that he would like a history from the police on any issues over the past few years. Passed 3-0.

4. **DISCUSSION: Encumbrances: No Umbrellas**

There was discussion on Manhattan's Pizza regarding their umbrellas for outdoor use. The Department of Public Works noted they were not allowed to have umbrellas. It was requested that they get an explanation of why they couldn't have umbrellas and the exact measurements of the umbrellas to the sidewalk.

5. **DISCUSSION: Entertainment Permits on the Marketplace**

Marian Fritz from Grandview Farms, Real Estate was present to discuss the entertainment permits on the Marketplace, noting that there have been many noise complaints from her tenants and it's becoming harder to keep tenants in the upstairs apartments on Church Street. Most of the complaints come from Red Square or Half Lounge. She noted that there was no consistency on the enforcement of the noise downtown. Art Cyr from the Police Department said he could notify certain clubs that have received issues or complaints regarding noise complaints. Attorney Fuller noted that if no one reports noise to the Police Department there is no way for the City to keep a record of the issues, thus making it hard to enforce. Attorney Fuller recommended that Ms. Fritz let her tenants know that they should be calling the Police Department with noise complaints. It was also requested that Lori contact the Marketplace to discuss speaker permits, as it appears Red Square has them.

6. **DISCUSSION: Under 21 Permits**

There was discussion surrounding under 21 permits, Art Cyr from the Police Department discussed that they were working hard with establishments, such as Lift to come to a compromise on how to better enforce the under 21 permits. Noting that the Police Department was thinking of changing the hours of under 21 events to an earlier starting time. Dan Hamlin, owner of Lift was present to discuss his concerns; he noted that much of his business for the week comes from these under 21 nights and does not want to see his business or others suffer.

7. **COMMUNICATION: Chair Dober, re: License Committee Meeting Schedule (Oct-Mar):**

It was decided that they would cancel the Nov. 3<sup>rd</sup>, Jan. 19<sup>th</sup>, and March 2<sup>nd</sup> meetings for the 2010-2011 year.

8. **OTHER BUSINESS**

Commissioner Berezniak noted that he had received some concern about the Mr. Ding-a-ling ice cream truck around Roosevelt Park.

9. **ADJOURNMENT**

A motion was made by Commissioner Berezniak, seconded by Commissioner Mulvaney-Stanak to adjourn the meeting at 6:31p.m. Passed 3-0.